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6 **Monitors**

7 **UNITED STATES DISTRICT COURT**

8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

9 PETER JOHNSON, DONALD

10 PETERSON and MICHAEL

CURFMAN, on behalf of themselves

11 and all others similarly situated,

12 Plaintiffs,

13 v.

14 LOS ANGELES COUNTY

SHERIFF'S DEPARTMENT, a public

15 entity; LEROY BACA, as Sheriff of

County of Los Angeles, and COUNTY

16 OF LOS ANGELES, a public entity,

MICHAEL D. ANTONOVICH,

17 YVONNE B. BURKE, DON KNABE,

GLORIA MOLINA, ZEV

18 YAROSLAVSKY, as Supervisors of

the County of Los Angeles

19 Defendants.

CASE NO. CV 08-03515 DDP

**INSPECTOR GENERAL'S  
UPDATE PURSUANT TO ORDER  
GRANTING STIPULATION TO  
EXTEND THE SETTLEMENT  
TERM**

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**INSPECTOR GENERAL'S UPDATE PURSUANT TO ORDER GRANTING**  
**STIPULATION TO EXTEND THE SETTLEMENT TERM**

The Los Angeles County Office of Inspector General ("OIG"), the Court-appointed Monitor in the above-captioned case, hereby reports that the Parties have met and conferred pursuant to the Court's Order Granting Stipulation to Extend the Settlement Term, dated May 14, 2019. The OIG respectfully submits this update to apprise the Court of the outcome of the meet and confer process.

**I. BACKGROUND**

On March 24, 2015, the Court approved the Settlement Agreement ("Agreement") made and entered into by and between the Parties in the above-captioned case. Docket No. 220. The Agreement—comprised of forty-nine provisions—aims to ensure that "Defendants provide Class Members with non-discriminatory and meaningful access to programs, services, and activities available to non-mobility impaired inmates in all [Los Angeles County jail facilities]." Docket No. 210.2 at 2. The Agreement provides that the OIG shall prepare and submit to the Parties and the Court periodic reports evaluating Defendants' compliance with the Agreement. *Id.* at 11.

On April 26, 2019, the OIG submitted the *Inspector General's Fourth Implementation Status Report*. Docket No. 245. The OIG determined that as of

1 March 31, 2019, Defendants had achieved sustained compliance with, or had  
2 otherwise completed implementation of, twenty-seven provisions, substantial  
3 compliance with eight provisions, and partial compliance with fourteen provisions.  
4 *Id.* at 6.

5 On May 14, 2019, pursuant to stipulation between the Parties, the Court  
6 ordered an extension of the settlement term by one year to April 22, 2020.<sup>1</sup> Docket  
7 No. 237. In addition, the Court ordered that,

8 [c]ounsel for the Parties shall, within 45 days, meet and confer for  
9 purposes of discussing the issues that have impacted efforts to reach  
10 sustained compliance on the terms that remain in partial compliance,  
11 and to discuss steps to address and/or resolve those issues, as well as  
12 steps for Defendants to reach compliance regarding all remaining  
13 provisions of the settlement agreement with a reasonable time frame,  
14 including with benchmarks where appropriate.

15 *Id.* at 3. The Court ordered the OIG to file this update setting forth the  
16 outcome of the meet and confer process within sixty days. *Id.*

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19 <sup>1</sup> The Agreement was originally scheduled to terminate on April 22, 2018. In December 2017,  
20 the Court approved the first extension of the settlement term by one year to April 22, 2019.  
Docket No. 232.

1           **II. MEET AND CONFER**

2           The Parties met on June 25, 2019. Present on behalf of Plaintiffs were  
3 Aaron Fischer and Richard Diaz of Disability Rights California, Anna Rivera of  
4 Disability Rights Legal Center, and Peter Eliasberg of the American Civil Liberties  
5 Union. Present on behalf of Defendants were Timothy Kral of Los Angeles Office  
6 of the County Counsel and Justin Clark of Lawrence, Beach, Allen & Choi, PC.

7           Representatives from the Los Angeles County Sheriff's Department, Los  
8 Angeles County Department of Health Services – Correctional Health Services,  
9 and the OIG were also present.

10          The Parties discussed the issues that have hindered efforts to achieve  
11 sustained compliance with all fourteen provisions that remain in partial  
12 compliance, and the efforts being made to address those issues.

13          For the following three of the fourteen partial compliance provisions, the  
14 Parties agreed to hold further discussions to identify and resolve issues impacting  
15 compliance: F.1 – ADA Coordinator Duties; G.2 – ADA Grievances; and G.3 –  
16 Grievance Response Time.

17          The OIG has determined that six of the fourteen partial compliance  
18 provisions require consultation with subject matter experts before a sustained  
19 compliance finding can be made. Provisions C.4(f) – Additional Grab Bars and

1 Shower Benches, C.4(g) – Construction of Accessible Beds, and B.1(a) – Access  
 2 to Physical Therapy require consultation with an Americans with Disabilities Act  
 3 physical access expert. Provisions D.1 – Initial Decisions and Ongoing  
 4 Evaluations, D.2 – Secondary Reviews, and D.4 – Tracking Complications require  
 5 consultation with a medical expert. The Parties have identified the physical access  
 6 and medical experts and Defendants are making efforts to retain them as soon as  
 7 possible. Defendants have also agreed to share the draft expert retainer  
 8 agreement(s), as well as a proposed budget for expert services, with Plaintiffs and  
 9 to consider Plaintiffs' input, as appropriate. For provision B.1(a) – Access to  
 10 Physical Therapy, the Parties also agreed that Defendants will report back to  
 11 Plaintiffs and the OIG, by August 24, 2019, with a plan to achieve sustained  
 12 compliance.

13 For the remaining five of the fourteen partial compliance provisions,  
 14 Defendants reported on their progress toward compliance; A.7 – Town Hall  
 15 Meetings; B.2 – Outdoor Recreation Time; B.4 – Thermal Clothing; H.1 –  
 16 Reasonable Accommodations; and K.1 – Transportation. The OIG will be  
 17 assessing compliance with each provision consistent with agreed upon timelines.

18 As always, the OIG is available to answer any questions the Court may have  
 19 regarding this update and will provide the *Inspector General's Fifth*

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CV 08-03515 DDP

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 UPDATE PURSUANT TO ORDER  
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 EXTEND THE SETTLEMENT  
 TERM**

1 *Implementation Status Report* to the Court on March 31, 2020.

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3 Dated: July 11, 2019

Respectfully submitted,

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By: 

Max Huntsman

Inspector General

Los Angeles County Office of Inspector  
General